

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

**DARRELL PARKS,**

**Petitioner,**

**v.**

**B. CHAMBERS,**

**Respondent.**

:  
:  
:  
:  
:  
:  
:  
:  
:

**Civ. No. 1:14-cv-1269**

**Judge Rambo**

**Magistrate Judge Schwab**

**MEMORANDUM**

Before the court is a report and recommendation filed by the magistrate judge in which she recommends that Petitioner Darrell Parks' ("Parks") petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice. For the reasons set forth below, the report and recommendation will be adopted.

**I. Background**

Parks was disciplined for this conduct during an incident with a corrections officer during a cell search. His discipline consisted of thirty days of disciplinary segregation and suspension of his commissary, phone and visiting privileges for six months.

In his petition, Parks claims that he was denied due process, which caused him atypical and significant hardship and collateral consequences.

## **II. Discussion**

Title 28 U.S.C. § 2241 is the appropriate method to hear a petition of a federal prisoner who is challenging not the validity but the execution of a sentence. *McGee v. Martinez*, 627 F.3d 933, 935 (3d Cir. 2010). The issue in this case is whether Parks has raised a due process claim.

Parks is only entitled to the protection of the Due Process Clause when the disciplinary action he received resulted in the loss of good time credits or when the sanctions “impose atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life.” *Sandin v. Conner*, 515 U.S. 472, 484 (1995).

Parks did not lose any good time credits. The sanctions imposed do not result in any atypical and significant hardship in relation to the ordinary incidents of prison life. (*See* Doc. 9, p. 5.) Accordingly, the within action brought pursuant to 28 U.S.C. § 2241 is not the proper action.

## **III. Conclusion**

This court is without subject matter jurisdiction and the case will be dismissed without prejudice.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: July 14, 2016